

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Allyn Rhodes on Wednesday, September 09, 2009.

The application has been amended as follows:

Claim 1. A camouflaged termite monitoring device, comprising:

a housing configured as a landscape element and having a bottom surface adapted to engage an upper ground surface, the housing defining a cavity and an opening to the cavity through the bottom surface of the housing;

a perforated bait cartridge configured to fit within the cavity;

a bait material disposed within the bait cartridge and adapted to be attractive to termites;

a mesh-like member operably engaged with the housing on ~~about~~ the bottom surface so as to cover the opening to the cavity and to retain the bait cartridge in the cavity, the mesh-like member having a longitudinal axis which is substantially parallel with the bottom surface and ~~the mesh-like member~~ defining openings therein, with the

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openings being sized to permit termites attracted by the bait material to pass therethrough into the cavity and the bait cartridge and to infiltrate the housing; and an inspection hatch disposed on an upper surface of the housing, generally opposite the bottom surface, the inspection hatch being operably engaged with the housing and configured to allow visual inspection of the bait cartridge within the cavity from outside the housing when the inspection hatch is in an open position, so as to determine whether termites have infiltrated the housing and consumed the bait material in the bait cartridge, without removing the housing from engagement with the upper ground surface, and the inspection hatch extending in a plane which is substantially parallel with the bottom surface when the inspection hatch is in a closed position.

Claim 8. A device according to claim 1 wherein the housing further comprises a first portion, the first portion including the bottom ~~ground-contacting~~ surface and being adapted to engage the upper ground surface, and a second portion cooperating with the first portion to define the cavity, the second portion being separably engaged with the first portion, and the second portion including the upper surface and comprising the inspection hatch.

Cancelled claims 10-16.

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Claim 17. The device of claim 1, wherein the housing is configured as the landscape a landscaping element selected from the group consisting of a rock, log, a paving or stepping stone, a brick, a border element, and a decorative figurine.

2. The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose a camouflaged termite monitoring device, comprising the mesh-like member having a longitudinal axis which is substantially parallel with the bottom surface and the inspection hatch extending in a plane which is substantially parallel with the bottom surface when the inspection hatch is in a closed position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-F, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darren W. Ark/  
Darren W. Ark  
Primary Examiner  
Art Unit 3643

DWA